

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

*Plaintiffs,*

Civil Action No. 3:24-cv-01098

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

*Defendants.*

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

*As Interested Parties.*

**DECLARATION OF JOE COHN IN SUPPORT OF AMICUS CURIAE BRIEF OF  
JOSEPH COHN, STACI BERGER, JAMES SOLOMON, VALERIE HUTTLE, AND  
RAVI BHALLA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY  
INJUNCTION**

JOSEPH COHN hereby declares, pursuant to 28 U.S.C. § 1746 as follows:

1. I reside at 61 Fenimore Road, Lumberton, New Jersey. I am presently a candidate for Congress, specifically, for the Democratic nomination for the Third Congressional District of New Jersey.

2. I have direct and recent experience with the harmful effect that the “county line” system (hereinafter, the “Line”) causes candidates, voters, and the New Jersey public in general. I describe that experience below:

3. Additionally, while I do not offer here a legal opinion, I am a member of the Bars of the State of New Jersey and Pennsylvania. My legal experience includes, but is not limited to, working as a lawyer with particular First Amendment experience and expertise at the AIDS Law Project of Pennsylvania, at the American Civil Liberties Union (“ACLU”) affiliates in Nevada and Utah, and at the Foundation for Individual Rights and Expression (FIRE).

4. The Third Congressional District includes parts of three counties: Monmouth County, Mercer County and Burlington County. Data provided by plaintiffs in this lawsuit, demonstrates the significant disadvantage candidates who are not placed on the “Line” face as a result.

5. On January 17, 2024, I entered the race for the Third Congressional District of New Jersey. The next day, I contacted the Democratic Party Committee for all three counties to

discuss the process of competing for the county party's endorsement in the primary election.

David Brown, II, Chairman of the Monmouth County Committee, responded to me the same day and offered to meet by telephone on January 22<sup>nd</sup>. The telephone call on January 22<sup>nd</sup> went very well and concluded with a promising tone.

6. In less than an hour after the meeting concluded, Chairman Brown from the Monmouth County Committee called me back and informed me that I could not be considered for the endorsement, which would have included placement on the Line because I was too late. Specifically, Chairman Brown told me that one month prior to my joining the race, the Monmouth County Committee adopted a new rule requiring primary candidates to submit a form by January 19, 2024, the business day before the committee scheduled the meeting with me, to be considered for placement on the Line. I was further informed that the rule would be enforced to my detriment even though I had reached out to the committee prior to the deadline and the Monmouth County Committee failed to inform me of the form requirement or that its deadline was both fast approaching and would occur before the meeting they scheduled with me.

7. Chairman Brown advised me that he would allow me to participate at the convention, but only if my opponents in the race agreed to waive the deadline. I reached out to both of my opponents to request that they join me in waiving the deadline, but I did not hear back from either before the convention and thus was barred from participating and competing for the party endorsement.

8. The Monmouth County Committee's obstacles to entry into the race and placement on the Line are just one example of the hoops county committees arbitrarily impose on candidates solely to be *considered* for Line position. Notably, even if the candidate successfully navigates

all of the hoops, the decision of whether they are placed on the Line is still ultimately decided by the committee members.

9. As I had done with the Monmouth County Committee, my campaign team and I also reached out to the Mercer County Democratic Committee on several instances to introduce myself and to discuss the process of competing for the Mercer County Committee's endorsement. Our initial emails were all ignored. On the Committee's website we found a document that stated, "Anyone wishing to be considered for endorsement for office should send me a Letter of Interest by February 10 to demchairperson@mercerdemocrats.com, expressing your interest, all of your contact information (name, home address, email, phone numbers) and relevant information about yourself, your background & experience and your candidacy."

10. The document then stated, "The MCDC Bylaws can be accessed at [tinyurl.com/MCDC-Bylaws](http://tinyurl.com/MCDC-Bylaws)." There was no indication in the document that the bylaws contained any additional requirements for consideration.

11. On February 10, at 2:41PM, I sent an email with my Letter of Interest to demchairperson@mercerdemocrats.com expressing my interest in being considered for the endorsement. *See Attachment A.*

12. Despite having sent my letter to the correct email address in a timely manner, my campaign was informed on Tuesday, March 4, that I was not on the Committee's ballot for consideration at the convention scheduled for Monday, March 11.

13. I sent a letter by email to Chairperson Janice Mironov advising her that I submitted my materials in compliance with all of the requirements, attached a PDF printout of the records proving the email was sent to the proper address within the deadline, and asking her to "please

advise me as to why I am currently being excluded from consideration on the ballot and whether and how you will be remedying this situation.”

14. On March 6, Chairperson Mironov replied by email: “Respectfully, I never received your letter below. I both searched my emails and went specifically to the date you stated it was sent, and have found nothing. Respectfully, every candidate who contacted me for any office received an immediate reply, “Received letter. Thank you,” then their qualifications were reviewed by the MCDC Convention Committee, and thereafter they would have received several additional informational communications. Respectfully, until recently I never would have known even who you are. Again, I did not receive your cited communication, accordingly could not have responded, and regretfully you did not reach out in any manner to confirm receipt or further communicate. Having said all that, you are still welcome to attend our MCDC endorsement convention on March 11 and to participate — in accordance with MCDC rules; you will need to provide to me as quickly as possible the names of Voting Delegates to Nominate and to Second you. I can separately forward to you candidate informational email. I will wait to hear from you.”

15. I replied by email, “Thank you for your quick reply. I always assume that people are operating in good faith and appreciate that you were unable to locate my email in your inbox. However, the records I forwarded (and I am reattaching now) demonstrate unquestionably that I personally emailed the letter within the deadline. Perhaps it got caught up in your spam filter, but regardless, I have followed each rule that was set forth to a ‘T.’”

16. Chairperson Mironov replied at 4:02PM the following day, “Joe Cohn, To reiterate, I did not receive your letter and already have addressed that matter — so kindly move on. Please be further informed that the requirement for a Delegate Nominator and Secunder applies to all

candidates; it is not special to you and you would need to be compliant with MCDC rules. Let me know your intentions.”

17. I secured delegates to nominate and second my nomination on March 9, and promptly communicated as much to the Chairperson. In my email to her, I wrote, “Thank you so much for the clarification, for your assistance, and patience. I have secured delegates to nominate and second my candidacy. I know that you must have a ton on your plate in advance of the convention. When you have a moment, please advise me as to the format of the proceedings on Monday. For example, what are the time limitations on remarks? I know we got off on the wrong foot, but I am deeply appreciative of your help.”

18. The next morning, Chairperson Mironov responded, “Ok, so again please provide the Names of your Nominator and Second. I will then forward separately the candidate information email. Thank you.”

19. I sent the names of the delegates to Chairperson Mironov, less than half an hour after she requested them from me in her prior email.

20. It was only after I sent her the names of the delegates nominating and seconding my nomination that Chairperson Mironov finally sent me information regarding the convention’s procedures. It was in that email that I was informed that those candidates who have been nominated and seconded would get two—and only two—minutes to address the delegates prior to their vote. This time limitation is designed to make familiarity and not qualifications the prime consideration for delegates. *See Attachment B.*

21. Things did not improve when I attended the convention. Moments before the convention was called to order, I became aware that my name was not printed on the convention ballot. Nor was there a spot for write in votes.

22. During the opening moments of the convention a committee member told the voting audience that the committee reviewed all of the letters of interest that were submitted on time, approved of each one, and that my three opponents were the only candidates who submitted timely letters of interest. The committee member—referring to me—said there was a fourth candidate who is expected to be nominated from the floor. The committee falsely gave the voters the impression that I was unable to follow directions and was disorganized, despite the fact that I had met all of the committee’s requirements.

23. After my three opponents spoke, a committee member told the voting delegates that having concluded hearing from the three candidates on the ballot, I was now invited to address the convention. Delegates were never given any instructions on how to cast a vote for me. I subsequently earned no votes at the convention.

24. Even if the Mercer County Democratic Committee had followed its rules, the power of the Line, and each county committees’ complete control over it, has created a system in which the candidate must prioritize their time and resources in securing the support of committees’ members, and complying with each committees’ varying rules and processes for consideration, over outreach to the voters in the general public who are supposed to be the priority stakeholder.

25. Moreover, for new and unestablished candidates like myself, who often have the lowest amounts of time and resources to spare, this process may act as a complete barrier to entry. If the candidate knows that they cannot afford the costs associated with researching and complying with each committee’s rules and processes, or knows that the committee will only support already established candidates, the candidate is less likely to join the race because they know they will not have an opportunity to appear on the Line and that their absence from the Line can be fatal to their campaign.

26. The line system, and the bracketing process that it involves, also forces candidates like me who have not won the line in a particular county to make a crucial decision: bracket with candidates you might not support or be placed in “Ballot Siberia.” In Burlington County, Monmouth County, and now Mercer County, Representative Andy Kim and Assemblyman Herb Conaway won the party line, which will mean that they will be bracketed together on the ballot. When they step into the voting booth, the ballot will imply to voters that Conaway and Kim are a team. Other candidates who might also support Andy Kim, must now choose between associating with a candidate they don’t wish to support, or appearing on the ballot in a manner that makes them appear like a loner. Neither option is fair or democratic, and both implicate my First Amendment right to freedom of association.

27. Because New Jersey has closed primaries where only members of a political party may participate in the primary and a sore loser law that prevents a candidate who fails in the primary from running independently in the general, the results of the primary determine not only who will represent the candidate’s party, but also whether the candidate will ever get a chance to compete for cross-over votes from independents and registered voters of other parties who might find his candidacy compelling. Allowing party leadership to use the Line to engineer preferred results, therefore deprives the electorate from considering candidates with broader appeal.

28. When combined with the closed primary process and the sore loser law, the Line becomes more than a process for a political party to choose its champion but has become a process for party insiders to maintain undemocratic control over the electoral process.

Executed on March 11, 2024



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Joseph Cohn

# **Exhibit A**



Joe Cohn &lt;jc@joecohnforcongress.com&gt;

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**Letter of Interest**

2 messages

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Joe Cohn <jc@joecohnforcongress.com>  
To: demchairperson@mercercdemocrats.com

Sat, Feb 10, 2024 at 2:41 PM

Dear Chairperson Mironov,

I hope this email finds you well. I am writing to formally submit my letter of interest requesting that the Mercer County Democratic Party consider endorsing me for the office of the United States House of Representatives in New Jersey's Third Congressional District.

I've attached a PDF of my letter of interest, and pasted the text of that letter below for your convenience.

Thank you so much for your attention to my request. I look forward to meeting you and hopefully to working with you the days and years to come.

Many thanks,

Joe Cohn  
Candidate  
New Jersey Third Congressional District

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February 10, 2024

Joseph Cohn  
61 Fenimore Road

Dear Mercer County Democratic Party,

I'm writing because I wish to be considered for endorsement for the office of United States House of Representatives in New Jersey's Third Congressional District. I am running because I believe that New Jersey's Third Congressional District needs a representative that has a proven track record of meaningfully improving the lives of everyone. I have done that all over the country in my 20-year career as a civil rights attorney.

Throughout my career working across the United States, I witnessed just how divided our nation is, and how our polarization is placing our democracy in real danger. I can make a positive impact because I have a proven track record of working productively with Democrats, Republicans, and Independents alike.

My education, experience, my positions, and my priorities all make the right choice to represent the New Jersey Third Congressional District.

I grew up in Nevada where I attended public schools. After graduating cum laude from the University of Nevada at Las Vegas, I moved to Philadelphia where I earned my law degree from the University of Pennsylvania School of Law and my Masters in Government Administration from its Fels Institute of Government in 2004.

I have worked relentlessly to advance the rights of all people. As a lawyer for the AIDS Law Project of Pennsylvania, I fought to keep roofs over the heads of those with HIV and AIDS. In private practice, I fought for victims of employment discrimination and for families with loved ones killed by shocking negligence in nursing homes. As a volunteer lawyer, I represented asylum seekers looking to America for a life free from political violence. Serving as the legal director at two ACLU affiliates, I defended the rights of street performers, environmentalists, Occupy Salt Lake City activists, LGBTQ students, and prisoners who were gassed in their cells.

For the last dozen years, through my work at FIRE, I have defended the free speech rights of people on every part of the political spectrum. I have secured big victories against those who would forbid students and professors from discussing racial equality in college classrooms. I've successfully worked to defeat legislation that would have outlawed conversations in states that have banned abortion about where women could obtain abortions lawfully. In 2022, I led a successful campaign to get a Republican Governor to use a line-item veto on legislation that would have banned colleges from hosting pro-choice speakers. And last year, I was instrumental in defeating a Ron DeSantis backed bill in Florida that would have weakened the rights of journalists. In all of these examples, the math was not on my side. Republicans had the votes to ram their bills through, but we were successful in persuading them to stand down. My accomplishments advancing Democratic values in red states demonstrates that I can be successful in Washington, where Republicans have real power. I am the only candidate in this race with a record of success against Republicans in the majority.

A central reason why I am running to represent the Third Congressional District in Washington is because I know that we must go beyond our divisions to move our country forward and I will work tirelessly to do so. I reject the belief that our neighbors can be separated into "good vs evil," based on their voter registration and will focus on ways that we can work together to solve real problems that affect our communities. There is more that we have in common as Americans than what separates us. To cut through the polarization and fix our broken politics, we need representatives in Congress who make building a coalition of the reasonable their top priority.

Until we can work together, we will not be able to enact lasting legislation that drives down the costs of prescription drugs, helps Americans save for retirement, makes higher education more affordable, protects the environment, or secures other legislative priorities.

I am honored to be considered for your endorsement. I look forward to working with you in the months and years ahead, and I hope to proudly represent you and all of the people of New Jersey's Third Congressional District in Congress.

Thank you again for your consideration.

Respectfully,

Joseph Cohn

[REDACTED]

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 **Cohn Letter to Mercer Cty Dem Party 021024.pdf**  
132K

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**Joe Cohn** <jc@joecohnforcongress.com>

Tue, Mar 5, 2024 at 11:33 AM

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 **Cohn Letter to Mercer Cty Dem Party 021024.pdf**  
132K

# **Exhibit B**



Joe Cohn &lt;jc@joecohnforcongress.com&gt;

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**MCDC COUNTY CONVENTION -- Monday, March 11, 2024. CANDIDATE INFORMATION**

3 messages

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**JANICE MIRONOV** <ewdems07@aol.com>  
To: Joe Cohn <jc@joecohnforcongress.com>

Sun, Mar 10, 2024 at 12:19 PM

for your information and use

**From:** JANICE MIRONOV <ewdems07@aol.com>  
**Date:** March 8, 2024 at 7:16:54 PM EST  
**To:** demchairperson@mercerdemocrats.com  
**Cc:** Kevin Kuchinski <kuchkd@gmail.com>, Jason Salvatore <jsalvatoremcdc@gmail.com>  
**Subject:** MCDC COUNTY CONVENTION -- Monday, March 11, 2024. CANDIDATE INFORMATION

March 7, 2024

Additional Candidate Information:

- There will be Floor Credentials for each Candidate and one Staffer and as noted reserved seating in the front row. If this applies to you, please provide Staffer name. Other staffers can attend but must sit in the Non-Voting area in the back.
- There will be an Out of County registration table for candidates.
- MCDC will do no zooming or streaming of the event, and no filming video taping or recording is permitted. Photographs are fine.
- Press is permitted in the Non-Voting area. For any outreaches or questions, Chairwoman Mironov is the contact.
- Each campaign, as was noted, is entitled to one observer during vote counting; MCDC requests that this person be a Delegate but will not require that be the case.

Please let me know if you have further questions. Thank you for your cooperation.

Mayor Janice Mironov  
Chair, Mercer County Democratic Committee

March 3, 2024

REMINDER: Please provide Nominator &amp; Seconder information (if not already done).

Additional Candidate Information:

- The MCDC Convention is for the noticed business of endorsing Candidates.

- There will be reserved seating for Candidates in the front row.
- Only Candidates and Delegates are permitted in the main voting floor area.
- Each Candidate will be entitled to one Delegate present as observer during vote counting. Please provide Name if you wish to have observer.
- No tabling.
- No petitions circulating.
- No campaigning, campaign material distribution in Convention areas.
- No posting of signs

Please let me know if you have any questions. We appreciate your kind cooperation and look forward to a successful professional orderly event on March 11!

Mayor Janice S. Mironov  
Chair, Mercer County Democratic Committee

February 25, 2024

**TO: MERCER COUNTY CANDIDATES**  
**FOR U.S. SENATE**  
**FOR CONGRESS DISTRICT 3**  
**FOR CONGRESS DISTRICT 12**

**RE: MCDC MARCH 11!CONVENTION**

**The MCDC Convention Committee met, reviewed delegate lists, and candidates who had submitted letters of interest, and the general rules and procedures for the MCDC March 11 Endorsement Convention.**

**1. The Convention Committee passed favorably on the qualifications of the individuals who submitted Letters of Interest:**

For U.S. Senate  
Patricia Campos-Medina  
Lawrence Hamm  
Andy Kim, Congressman  
Tammy Murphy

For Congress District 3  
Herb Conaway, Jr., Assemblyman

Carol Murphy, Assemblywoman  
Sarah Schoengood

For Congress District 12

Bonnie Watson Coleman, Congresswoman  
Daniel Dart

2. Each candidate must be **nominated** and **seconded** by a **qualified voting delegate**. Please note that the Nominator will be limited to *a single sentence*, and the Seconder will be limited to “*I Second [candidate name]*”. Nominations and Seconds will be made from the floor.

Please submit as soon as possible, but no later than Wednesday, March 6, by 4 p.m. the names of your nominator and seconder — include their name and municipality.

3. Each candidate will have a **maximum** of two minutes to speak. We will have a timer and, respectfully, you will be *stopped* at two minutes.

4. The MCDCC Convention will gavel to order promptly at 6:15 p.m.

If you have any questions, please feel welcome to reach out to me. Good luck.

Mayor Janice S. Mironov  
Chair, Mercer County Democratic Committee

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Joe Cohn <jc@joecohnforcongress.com>  
To: JANICE MIRONOV <ewdems07@aol.com>

Sun, Mar 10, 2024 at 8:51 PM

Thank you again. My deputy campaign manager Ryan Irving, Jr. will be joining me.

Thanks again,

Joe Cohn  
Candidate

New Jersey Third Congressional District

[Quoted text hidden]

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**Joe Cohn** <jc@joecohnforcongress.com>

Mon, Mar 11, 2024 at 3:14 PM

To: Ryan Irving <ryan@joecohnforcongress.com>, Matt Krayton <mkrayton@publitics.com>, Henry de Koninck <hdekoninck@publitics.com>

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